

Public Hearing on
Bill 15-757, "Metropolitan Police Department
Pursuit Clarification Act of 2004,"
Bill 15-759, "Fleeing Law Enforcement Prohibition Act of 2004," And
&
Bill 15-761, "Vehicle Insurance Enforcement Act of 2004"

Committee On The Judiciary
Councilmember Kathy Patterson, Chairperson
Council of the District of Columbia

Testimony of Winston Robinson
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Madame Chair, members of the Committee and Council, staff, and guests—thank you for the opportunity to present this statement outlining the Metropolitan Police Department’s positions on the legislation under consideration today. Chief Ramsey regrets that he was unable to be here. Other members of the Department’s Command Staff are with me to assist in responding to your questions. The text of my prepared testimony is posted on the Police Department’s website, www.mpdcd.c.gov.

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Chief Ramsey strongly urges the Committee to reject the primary piece of legislation before the Committee today, the **“Metropolitan Police Department’s Pursuit Clarification Act of 2004.”** Both Chief Ramsey and Mayor Williams oppose the bill and believe that MPD’s existing vehicular pursuit policy reflects the best practices of law enforcement. A nationally recognized expert on police pursuits, Geoffrey Alpert, Director of Research for the College of Criminal Justice at the University of South Carolina, has also submitted testimony to you today voicing his opposition to the Pursuit Clarification Act and support for MPD’s current policy.

MPD’s existing pursuit policy carefully balances competing public safety interests by ensuring that violent felons can be pursued and apprehended without exposing the public to tragic and irreversible consequences of high-speed pursuits for lesser offenses. Under the current policy, a police officer is allowed to engage in a high-speed pursuit only when a felony against another person is suspected to have been committed and there is a need to apprehend the alleged offender to avoid an immediate threat of danger or harm to the public.

The Pursuit Clarification Act calls for MPD officers to pursue any “individual operating a motor vehicle in a reckless manner.” Before you decide to make MPD’s pursuit policy less restrictive, you should consider that research has found that 40 percent of all police pursuits result in some type of collision, 20 percent in personal injury, and one percent in death.¹

What do those numbers mean? For the next 100 pursuits conducted by the MPD, 40 will end in collision, 20 people will be injured, and at least one person will die. And then, over the next 100 pursuits, 20 more people will be injured and at least one more person will die. And as MPD officers pursue more and more vehicles, more and more people will be seriously injured, and

¹ Alpert, Geoff, D. Kenney, R. Dunham, and W. Smith. *Police Pursuits: What We Know*. Washington, DC: Police Executive Research Forum (2000)

more and more people will be killed. In some cases, the victims will be serious criminals trying to elude the police. In other cases, they will be 10-, 12-, or 14-year old children out for a joyride. In other cases, the victims will be innocent motorists, passengers, pedestrians, bicyclists and children. Sometimes the victims will be police officers.

Some people may consider this fatality and injury rate to be an acceptable risk. But to a police department that just buried two of its own over the past week – and to a community that has had to bury or mourn the innocent victims of violence – this risk is simply unacceptable. Were this legislation to pass, all of us would need to brace for a lot more trips to the emergency room and a lot more funerals of police officers and constituents alike.

I urge you to consider some of the fatalities in 1991 that gave rise to MPD's current pursuit policy. In that year alone, seven people lost their lives as the result of high-speed police pursuits. Three of the victims were children below the age of eight.

To familiarize you with just one of the incidents of 1991, at the intersection of 55th Street and Burroughs Avenue, NE, an uninvolved vehicle struck an MPD cruiser pursuing a stolen car. The officer and two uninvolved people were injured in the crash. Both the driver of the car that struck the cruiser—a 23-year-old woman who was seven months pregnant—and her 3-year-old daughter died as a result of the collision. This pursuit would not have happened under the current policy, but would likely be permissible under the proposed bill.

In addition to the risk of injury or death, please consider the cost of high-speed pursuits to all of the residents of the District of Columbia. As you know, municipalities may be held liable for injuries resulting from police pursuits, both under common law negligence claims and civil rights "pattern and practice" claims brought under title 42, section 1983 of the U.S. Code. The \$2.3 million judgment against the city for just one of the fatalities in 1991 demonstrates the high monetary costs of this bill that will be borne by all District tax-payers.

We do not disagree with the premise that juveniles who steal cars for joyriding pose a significant danger to our city. But we do not agree that the way to solve this problem is to engage in high-speed chases with young offenders who are frequently too young to have a license, and who are almost certainly too inexperienced to know how to handle a car in even the safest of situations and too callous about the well-being of the community to be concerned with the repercussions of reckless driving.

While the Department opposes any broadening of its pursuit policy, we have revised existing strategies and developed new initiatives to find solutions to the problem of juvenile auto theft. Crime analysis has revealed which cars are most frequently stolen and that much of the auto theft problem is centered in the Sixth District. Consequently, the Department has tailored prevention responses to focus on juveniles and young adults in the Sixth District to help steer our city's youth away from illegal and other high-risk behavior. For instance, PSA members have delivered to area students an effective program that communicates the negative impact of auto crimes on their lives, families, and community. This outreach begins with very young students, as our members talk with elementary school children while working in an auto theft coloring book. The Sixth District has also increased truancy and curfew enforcement to ensure that youth are in school or at home instead of on the streets. PSA members in the Sixth District and around the city continue to partner with communities to guide problem-solving efforts aimed at creating sustainable change in our neighborhoods. One excellent example of this is the Benning Terrace Intervention and Prevention Task Force, for which various District agencies as well as the East of the River Clergy and other community organizations are working together to provide better services and educational opportunities for youth. The Task Force has overseen the opening of the Benning Terrace Community Resource Center, which includes satellite offices for two officers assigned to Benning Terrace.

Unfortunately, there are already many youths in the city involved in auto theft and other crimes for whom prevention efforts will not work. But we are not giving up on these youth. The Department, in partnership with the DC Office of the Attorney General, Youth Services Administration, and Court Social Services, is working with these young people through Operation Prevent Auto Theft. This program works with juveniles currently on probation for Unauthorized Use of a Vehicle, or UUV. Participation in the program is court mandated for car thieves 17-years-old or younger and their parents. The juveniles develop a better understanding of the consequences of auto theft through a series of workshops. These workshops sensitize the juveniles to the violence of their actions by deconstructing two common video games—"Grand Theft Auto" and "Vice"—and examining pictures of crash victims and fatalities. The program also reinforces life skills through mentoring and tutoring sessions, community service and team building activities, and victim restitution. Over the past six months, fifty juveniles have entered the program, of which only one has since been re-arrested for auto theft. Fifteen additional juveniles will join the program next week.

Where prevention and intervention strategies do not work, MPD has worked to strengthen tactical and investigative efforts on auto theft. The Department will be launching its new Bait

Car Program in July. The bait cars, which will include those most frequently stolen in DC, will be equipped with kill switches, remote locks, GPS, and audio/visual recording devices. The vehicles will be left on the street under supervision in areas with high theft rates. If stolen, the cars will be stopped after the suspect leaves the immediate bait area.

Directed surveillance is being conducted at schools during morning hours when juveniles with stolen cars frequently hang out. The Department either arrests or obtains warrants for those identified with stolen autos. Directed surveillance is also conducted for high theft and recovery areas.

On the investigative side, a pilot program was launched in the Sixth District in November 2003 to support the Washington Area Vehicle Enforcement unit by completing more extensive interrogations of suspects arrested for Unauthorized Use of Vehicle (UUV)/Stolen auto. Each arrestee is debriefed for information on stolen cars, including names of other suspects, chop shops, dumping areas for stolen cars, and sale of car parts. The arrestee's photo is placed in a binder for future identification. Additionally, the photos of adults and juveniles who have two or more UUV/Stolen Auto arrests in the last 12 months are placed in the binder. The book is used during debriefings with suspects, and interviews with witnesses and officers in order to improve the likelihood of making identifications.

The quality of both juvenile and adult auto theft investigations has been increasing because of enhanced training and additional resources. A four-hour session on auto theft was incorporated into the Fiscal Year 2004 In-Service Training Program for all sergeants and officers. The training, developed in conjunction with the DC Office of the Attorney General (OAG) and the US Attorneys Office (USAO), focuses on case processing and investigations so as to improve the prosecution rate of UUV cases. In addition, from two to five members of each districts' Focused Mission Team have been trained in advanced auto theft investigation techniques.

Lastly, MPD has played a leadership role in regional efforts to combat both juvenile and adult auto theft. The Department is an active member of the Washington Area Vehicle Enforcement (WAVE) initiative, the Maryland/District of Columbia Anti-Car Theft Committee (ACT), and the International Association of Auto Theft Investigators. These alliances enable the local law enforcement community to share intelligence on and develop responses to auto theft. The Watch Your Car Program—a voluntary vehicle registration program designed to deter auto theft and apprehend auto thieves—is one such national response to auto theft that has been successfully

implemented in DC. Over 1,300 District residents are already participating in the Watch Your Car program.

The Auto Theft and WAVE Units, members of PSAs and Focused Mission Teams, and community outreach workers work together in MPD's comprehensive effort to prevent auto theft and bring offenders to justice. Their work is beginning to have a measurable impact on auto theft rates. Auto theft in 2004 has decreased five percent over the same time period in 2003.

Arresting juveniles committing auto theft is only half the battle. The proposed legislation would also fail to address a key underlying issue—juveniles who are joyriding at high speeds through our neighborhoods must be prevented from committing the same crime again. Many of these offenders, including repeat offenders, are already being arrested and prosecuted. However, they are often released from the juvenile justice system without having to face significant consequences for their actions. We need to enact comprehensive juvenile justice reform to ensure that the judicial disposition of juveniles will result in more meaningful penalties that will deter future offenses and diminish the threat to the community posed by the most serious offenders. The Department urges the Council to support Mayor Williams juvenile justice reform legislation as a more effective, long-range approach to the problem of juvenile auto theft, and leave the city's pursuit policy intact.

The Department does support Councilmember Brazil's proposed legislation, the **"Fleeing Law Enforcement Prohibition Act."** Establishing criminal penalties for fleeing or attempting to flee law enforcement officers will enable MPD to hold those who flee from police in a motor vehicle accountable for potentially endangering our community members. The progressive system of fees, jail time, and suspension of an operator's permit provided under this bill is designed to fill a gap in the existing traffic enforcement laws, as currently, there is no penalty for deliberately trying to elude a law enforcement officer. This legislation creates concrete, criminal consequences for those who seek to evade responsibility for their crimes by fleeing from law enforcement.

Lastly, the Department urges the Committee to reject the **"Vehicle Insurance Enforcement Act."** This overbroad measure would impose significant administrative burdens on the police without serving as a useful tool for reducing crime throughout the city.

The Department already has authority to ask for proof of insurance and, if a driver cannot produce it, issue a Notice of Infraction (NOI) and prevent the driver from driving away in the

vehicle. This existing authority is sufficient to remove uninsured vehicles from the streets. Additionally, the Department of Motor Vehicles works proactively with the insurance industry to monitor insurance policies and revoke the registration of uninsured vehicles. An officer would discover this revocation during any traffic stop, and would issue the appropriate NOI, which currently entails a \$300 fine.

The bill would significantly increase the time required for any traffic stops, thereby increasing the length of time for which MPD officers would be unavailable for other calls or stops. It would require MPD officers to demand and record insurance information at most crash scenes, and during each traffic stop at which an officer demands a license and registration. Currently, when an officer makes a traffic stop but does not issue a ticket or make an arrest, the officer does not make a record of the stop; the bill would require an officer to document the insurance information for each stop so as to be able to comply with the annual reporting requirements.

Moreover, if it is determined that the operator of a motor vehicle does not have insurance for the car, MPD is required to ensure that the individual does not drive away in the vehicle. One consequence of this will likely be an increased need to tow or impound vehicles until the required insurance is in effect. However, the District government does not have adequate capacity for towing and impounding these additional vehicles.

Finally, the information for the annual report required by the bill could only be captured manually, and would thus require enormous amounts of administrative staff time to transfer the data from thousands of crash and traffic stop reports to an electronic format. Additional time would be required to analyze and present the data as specified in the legislation. It is not clear whether these costs, and the costs of additional administrative personnel the bill would require, have been considered in developing the fiscal impact analysis for the bill.

The Vehicle Insurance Enforcement Act would have wide-ranging opportunity costs without having an equal benefit. It would divert officer time away from calls for service, other traffic stops, and community policing, without significantly enhancing the Department's ability to reduce crime in our neighborhoods. Therefore, we urge the Committee to reject this bill.

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In conclusion, Chief Ramsey and MPD are committed to reducing crime and the fear of crime in our neighborhoods. We are making great strides towards that goal this year, with a 17 percent

decrease in violent crime and a 10 percent decrease in property crime over 2003. Chief Ramsey believes that the bill to establish criminal penalties for fleeing the police will be another tool for the Department to use to hold offenders to account for their crimes. On the other hand, the Pursuit Clarification Act will make our streets and communities more dangerous, and the Vehicle Insurance Enforcement Act will divert critical resources away from fighting crime. On behalf of Chief Ramsey, I ask you to reject these two bills.

I thank you for the opportunity to read this detailed testimony into the record. Other Command Staff members and I will be happy to entertain your questions.